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Application No.: 09/216,206

Art Unit: 3622

REMARKS

Status of the Claims

Claims 49, 50 and 62-218 were previously pending in this application. With the present amendment claims 49-50, 62-66, 82-111, 113-118, 134-163, 165-170, 186-215, 217 and 218 have been amended, and new claims 219-227 were added. The amendments are merely for presenting the claims in better form.

Priority

The Office Action declined to acknowledge Applicant's claim to the benefit of the filing date of prior-filed Application No. 08/787,979 noting that "the benefit of a prior-filed application was added after the time period required by 37 CFR 1.78(a), therefore a petition under 37 CFR 1.78(a)(3) or (a)(6) must be filed and granted in order to obtain the benefit of the claimed priority date." (Office Action p. 2)

It is respectfully pointed out, that according to 37 CFR §1.78(a)(2)(ii)(B), the time period required by §1.78(a)(2)(ii) are not applicable to an application filed under 35 U.S.C. 111(a) before November 29, 2000. Therefore, because the present application was filed before November 29, 2000, the time periods of §1.78(a) are not applicable, and therefore no petition is required in order to obtain the benefit of the claimed priority date.

Rejections under 35 U.S.C. § 102(b) and § 103

The Examiner rejected the pending claims under § 102 and § 103, as being unpatentable over Yager (Ronald R. Yager, "Intelligent Agents for World Wide Web

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Advertising Decisions”, International Journal of Intelligent Systems, Vol. 12, pp. 379-390, 1997). In view of the present application claiming priority to application no. 08/787,979, filed on January 22, 1997, the rejection over Yager is deemed moot (Yager is dated about December 1997).

Terminal Disclaimer

Submitted herewith is a second Terminal Disclaimer. Applicant has recently corrected certain errors in the chain of title of the present application. This second Terminal Disclaimer is being submitted to obviate any concern (none of which Applicant believes to exist) about the effectiveness of the previously filed Terminal Disclaimer in light of such corrections.

Claim Construction

Currently pending in the present application are 4 independent claims and 164 dependent claims. Each dependent claim refers to either an independent claim or another dependent claim. It is noted that it is Applicant's express an unequivocal intent that each dependent claim should be construed and attributed meaning as having at least one additional limitation or element not present in the claim to which it refers. In other words, the claim to which each dependent claim refers is to be construed and attributed meaning as being broader than such dependent claim. For example, several dependent claims include the limitation "wherein the request for content is caused by a reference in the webpage". It should therefore be understood, that the claims to which such dependent claims refer, are to be construed, as not requiring the request for content to be caused by a reference in the webpage. For example, the advertisement may be 'included' in the webpage through other means, such as server side mechanisms (e.g CGI). The advertisement

may for example be in the form of a text advertisement (stored in a database), which is incorporated at the server-side, as part of a web page served to the browser (in which cases the request for content would be responded to by serving the entire web page, including the advertisement.)

Claims 62, 114, and 166 recite: “a monetary amount an advertiser associated with the each [sic] bid is willing to pay”. This should be construed broadly to mean that the “amount” is what the advertiser is willing to pay. Thus, notwithstanding what the advertiser is willing to pay, the system may be programmed to discount the actual amount the advertiser pays in the event his bid is selected and the specific event occurs. Such discount on behalf of the advertiser may take into account various other factors. For example, the system may discount the actual amount to an increment above an amount of another submitted bid. Thus, “an amount the advertiser is willing to pay” may also be referring to a maximum amount the advertiser is willing to pay.

The term “same event type” used in claims 64, 116 and 168, means that the event that triggers payment is the same type of event for all of the submitted bids. For example, the event type may be a serving of an advertisement corresponding to each bid (pay-per-impression). Alternatively, the event type may be a click-through on the advertisement corresponding to each bid (pay-per-click). Hence, the word “same event type” refers to a same type of event relating to the respective advertisements associated with each of the bids. This is opposed to having “different event types” for the bids, wherein one bid triggers payment by a serving of its corresponding advertisement, and a second bid triggers payment by a click-through on its corresponding advertisement.

The phrase “wherein the selection of the selected bid is based on the selected bid being determined in the computer system as having a highest beneficial value”, means that the system does not necessarily select the bid corresponding to the highest monetary amount (which is only one way of determining an advertisement having a highest beneficial value), rather the claim should be construed to also encompass situations where the system selects a bid, based on the expected revenue of such bid (that would flow to the system if such bid were selected) being the highest. For example, the system may value the beneficial value of a bid by taking into account the probability that the event that triggers payment of the monetary amount would occur.

Claims 63, 115 and 167 recite: “wherein the monetary amount associated with each of the [sic] bids is included in the each of the [sic] bids”. Thus, it should be understood, that the claims to which such claims refer to, do not require an actual monetary amount to be explicitly included in each bid data. Rather the bid data may be representative of the monetary amount, although not explicitly including the monetary amount. For example, the bid data may include a beneficial value of the bid that is determined by the computer system (which is based at least in-part on the monetary amount associated with the bid).

It should be noted that except where a claim expressly states otherwise, each bid is not required to be associated with a separate bidding agent. In other words, more than one, or all bids may be associated with a single bidding agent, or the bids may be associated with a computer program(s) which perform the same function of bidding agents.

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CONCLUSION

In view of the foregoing remarks, the present application is believed to be in condition of allowance. For any outstanding issues concerning the present application the Examiner is respectfully invited to contact the undersigned at the number listed below.

Dated: February 15, 2007

Respectfully submitted,

/Benzion A. Wachsman/

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* A statement under 37 CFR § 3.73(b) is being submitted herewith.